

Application No. 10/001,363
Amendment dated August 15, 2005
Reply to Office Action of March 15, 2005

REMARKS/ARGUMENTS

Responsive to the Official Action mailed March 15, 2005, applicants have further amended the claims of their application in an earnest effort to place this case in condition for allowance. Specifically, independent claims 1, 6, and 7 have been amended, and claim 4 rewritten in independent claim form. Reconsideration is respectfully requested.

Applicants gratefully acknowledge the Examiner's indicated allowability of claim 4. By this amendment, claim 4 has been rewritten in independent claim form. It is believed that this claim is in condition for formal allowance, in addition to allowed claim 5.

In rejecting the remaining claims under 35 U.S.C. §102 and §103, the Examiner has relied principally upon U.S. Patent No. 3,607,341, to Goins, et al., with further reliance upon U.S. Patent No. 6,146,757, to Mor et al. However, it is respectfully submitted that these references, either singly or combined, do not teach or suggest applicants' novel internal wetting agent composition, and accordingly, the Examiner's rejections are respectfully traversed.

Applicants must respectfully note that their presently pending claims are directed to an *internal* wetting agent, which, in accordance with their disclosure, is provided *internally* of a polymeric film or fabric. As will be recognized by those familiar with the art, *internal* functioning is effected by *forming a polymeric article from a polymer with*

which the wetting agent composition is blended. This is in significant distinction from the *topically applied* wetting agent, such as disclosed in the principal Goins et al. reference relied upon by the Examiner.

Applicants must respectfully maintain that there is *no teaching or suggestion* in the principal Goins et al. reference of applicants' novel internal wetting composition, or resultant nonwoven fabric or polymeric film. As noted at column 1, line 71 *et seq.* of Goins et al., the disclosure:

involves . . . coating of a fabric or substrate with a crushed polymeric froth. More particularly, the instant invention may be described as a process for producing a coated fabric or substrate having an adherent liner, i.e., backing of crushed polymeric froth which comprises (1) foaming an emulsion-polymerized latex composition; (2) applying the resultant froth directly to the fabric or substrate; (3) partially drying (without appreciable gelation or curing) the polymeric froth adhering to the fabric or substrate while retaining the froth in an expanded state; (4) crushing the partially dried polymeric froth adhering to the fabric or substrate; and (5) finally curing and drying the resultant polymeric frothed backing adherent to the fabric or substrate in order to produce a coated fabric or substrate.

Applicants note that M.P.E.P. Section 2143.01 specifically admonishes that "if a proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the reference are not sufficient to render the claims *prima facie* obvious" (citation omitted).

Applicants must respectfully note that it is inappropriate to rely upon the teachings of the Goins et al. reference, limited to a *frothed, polymeric coating*, in rejecting claims

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directed to applicants' specifically recited *internal* wetting agent, and resultant *nonwoven fabric and polymeric film*.

In the Action, the Examiner has noted that applicants' previous claim language specifying "about 10%" allows for flexibility in interpretation". Accordingly, applicants have deleted reference to "about" in their claims. Moreover, it is respectfully maintained that Goins et al. does not teach or suggest applicants' specifically recited internal wetting agent composition, including a wetting agent constituent as specified, and a titanium dioxide constituent, as specifically set forth in the pending claims.

Applicants particularly note that pending dependent claim 3 specifies the titanium dioxide range of 38.5% to 40%, by weight. Reference to the various Examples in the Goins et al. reference shows that much lower concentrations of titanium dioxide are contemplated, such as 15 parts titanium dioxide, combined with 100 parts acrylic latex emulsion, and 3½ parts water soluble ammonium stearate surfactant (see Example II).

In the Action, the Examiner acknowledges that the Goins et al. reference "relates to use of the inventive coating on textile fabrics of woven construction, but does not recite application to non-woven fabrics". Applicants must respectfully maintain that this points to the clear deficiencies in the teachings of the principal Goins et al. reference in teaching or suggesting the present invention, since Goins et al. *does not teach an internal* wetting agent composition. As such, it is respectfully maintained that Goins et al. cannot provide a proper basis for rejecting the presently pending claims, including

independent claims 6 and 7 respectively specifying a nonwoven fabric construct, comprising a plurality of continuous filaments, and a extruded polymeric film, both of which are formed from polymers which are melt-blended with the present internal wetting agent composition. Thus, it is respectfully maintained that reliance upon the Mor et al. reference clearly fails to overcome acknowledged deficiencies in the teachings of the principal Goins et al. reference in teaching or suggesting the present internal wetting agent composition, and polymeric nonwoven fabrics and extruded films formed from polymer melt-blended with the composition.

Applicants respectfully refer to M.P.E.P. Section 2143.03, which specifically requires that "all claim limitations must be taught or suggested". In claim 1, and the claims depending therefrom, the claimed composition is specifically identified as an *internal* wetting agent, which is simply not taught or suggested by the principal Goins et al. reference. Similarly, claims 6 and 7 specifically require either continuous filaments, or an extruded sheet, *containing* the specified wetting agent. Clearly, the M.P.E.P. Section referenced above mandates that *all claim limitations* must be taught or suggested, and in the present case, there can simply be no question but that Goins et al., contemplating a *frothed coating*, does not teach or suggest applicants' internal wetting agent composition, and resultant nonwoven fabric and extruded film constructs.

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In view of the foregoing, formal allowance of claims 1-7 is believed to be in order and is respectfully solicited. Should the Examiner wish to speak with applicants' attorneys, they may be reached at the number indicated below.

The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this submission to Deposit Account No. 23-0785.

Respectfully submitted,

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